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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,503	01/16/2004	Alfred A. Schroeder	0006-0045	7678
7590 02/14/2006			EXAMINER	
Dennis Braswell Braswell & Associates, P.C. 105 Soost Ct. Mobile, AL 36608			KOCZO JR, MICHAEL	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <i>e</i>
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EXAMINER
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ART UNIT	PAPER
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20060209

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Commissioner for Patents

Michael Kocz, Jr.  
Primary Examiner  
Art Unit: 3746

## DETAILED ACTION

### *Response to Amendment*

The reply filed on December 15, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Newly amended claims 1 to 12 and new claims 22 to 24 are directed to an invention that is independent or distinct from the invention originally elected for the following reasons:

The tube as claimed in original claims 1 to 12, although recited as a “molded” tube (product-by-process limitation), does not differentiate structurally from a tube made by another and materially different process, such as extrusion, for example. Since the tube of original claims 1 to 12 can be made by another and materially different process from the process (molding) as recited in amended claims 1 to 12 and new claims 22 to 24, the new and amended claims are distinct from original claims 1 to 12 (MPEP § 806.05(f)).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1 to 12 and 22 to 24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Therefore no currently pending claims read on the elected invention.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Art Unit: 3746

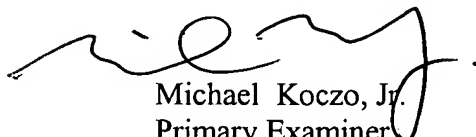
Applicant may consider filing a divisional application to have method claims 1 to 12 and 22 to 24 examined as to their merits.

Any inquiry relating to patent applications in general should be directed to the Patent Assistance Center at 1-800-786-9199.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Koczo, Jr. whose telephone number is 571-272-4830. The examiner can normally be reached on M-Th; 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached at 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Koczo, Jr.  
Primary Examiner  
Art Unit 3746